

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CV-1-D

JOHN R. LAWS, II,

Plaintiff,

v.

U.S. BANK NATIONAL
ASSOCIATION, TRUSTEE, and
NATIONSTAR MORTGAGE, L.L.C.,

Defendants.

ORDER

On January 30, 2015, defendants filed a motion to dismiss plaintiff's complaint for failure to state a claim upon which relief can be granted. See [D.E. 13]; Fed. R. Civ. P. 12(b)(6). On March 20, 2015, plaintiff responded in opposition. See [D.E. 22].

Plaintiff's complaint includes improper group pleading, ignores (in part) the economic loss doctrine, ignores the substantive law concerning plaintiff's state and federal claims, ignores the teachings of Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009), and Bell Atlantic Corporation v. Twombly, 550 U.S. 544, 555–56 (2007), and ignores the standard governing a request for a preliminary injunction in federal court. See, e.g., Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7, 20 (2008); Centro Tepeyac v. Montgomery Cnty., 722 F.3d 184, 188 (4th Cir. 2013) (en banc); Ellis v. La.-Pac. Corp., 699 F.3d 778, 782–88 (4th Cir. 2012); Real Truth About Obama, Inc. v. FEC, 575 F.3d 342, 346 (4th Cir. 2009), vacated on other grounds, 559 U.S. 1089 (2010), reissued in relevant part, 607 F.3d 355 (4th Cir. 2010) (per curiam); Newton v. Nationstar Mortg. LLC, No. 7:15-CV-16-D, 2015 WL 3413256, at *3–7 (E.D.N.C. May 26, 2015) (unpublished); Carmichael v. Irwin Mortg.

Corp., No. 5:14-CV-122-D, 2014 WL 7205099, at *2–4 (E.D.N.C. Dec. 17, 2014) (unpublished); Fritz v. Duke Energy Carolinas, LLC, No. 5:13-CV-724-D, 2014 WL 3721373, at *3–4 (E.D.N.C. July 24, 2014) (unpublished); Salley v. Bank of Am., No. 5:13-CV-753-D, 2014 WL 2768660, at *3–5 (E.D.N.C. June 18, 2014) (unpublished); Pipefitters Local No. 636 Defined Benefit Plan v. Tekelec, No. 5:11-CV-4-D, 2013 WL 1192004, at *6 (E.D.N.C. Mar. 22, 2013) (unpublished); Bryant v. Wells Fargo Bank, N.A., 861 F. Supp. 2d 646, 650–54, 658–61 (E.D.N.C. 2012); Woody v. Bank of Am. Corp., No. 5:10-CV-86-D, 2010 WL 2942029, at *4 (E.D.N.C. July 20, 2010) (unpublished); Kelly v. Ga.- Pac. LLC, 671 F. Supp. 2d 785, 791–96 (E.D.N.C. 2009). Accordingly, defendants’ motion to dismiss [D.E. 13] is GRANTED, and plaintiff’s complaint is DISMISSED without prejudice. Plaintiff may file an amended complaint not later than June 30, 2015.

SO ORDERED. This 3 day of June 2015.


JAMES C. DEVER III
Chief United States District Judge